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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/475,614 | 12/30/1999 | Gilbert Wolrich | 10559/137001/P7876 | 6580 |
| 20985 | 7590 | 01/19/2005 | EXAMINER | |
| FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081 | | | ENG, DAVID Y | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2155 | |

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Applicati n N . | Applicant(s) | |
| | 09/475,614 | WOLRICH ET AL. | |
| | Examiner | Art Unit | |
| | DAVID Y. ENG | 2155 | |

-- The MAILING DATE f this communication appears n the c ver sheet with th correspondence address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 26-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 1-44 are pending in the application. Claims 26-43 are withdrawn from consideration because of non-elected claims. Newly submitted claim 44 has been entered. The active claims are 1-25 and 44.

There are more than 150 references cited in the 1449 filed October 18, 2004. The Examiner would like to request Applicants' assistance to provide to the Examiner the relevance of each of the references with respect to the claims. See 37CFR 1.98 (a)(3)(i).

Applicants are requested to identify the supports of newly submitted claim 44 in the drawings and the corresponding description in the specification.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-25 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allison (USP 6,373,848) in view of Belkin (USP 6,604,125).

Details of the rejection have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

With respect to claim 44, see Figure 1 in Belkin. Figure 1 shows a processor 106 comprising a plurality of engines for providing multiple threads (instruction streams from each of the engines). The engines are controlled by programs and therefore are programmable. Further, no patentable weight is given to the engines being programmable because there is no recitation as to how the programmable feature is related to the method of receiving data from a network. Further more, programmable engines are well known in the art. See the abstract of Catthoor (USP 6,223,274).

In the communication filed on October 13, 2004, Applicants admit that in Allison, received data is transferred from the different ports into the RxFIFO 43. However, Applicants contended that the Examiner has not identified a single request that both directs a transfer of data from one of a plurality of device ports to a storage to a storage unit and specifies a thread to process the data as claimed in claim 1. The Examiner did identify such a request in the Allison patent in his previous Office action (see the Section 103 rejection on page 3 of the action). If Applicants disagree the teaching of such a request in Allison, Applicants are requested to identify the support of the request as recited in claim 1 in the specification.

Applicants further contended that the signaling from the RsFIFO 43 to the control logic 34, does not direct transfer of data from one of the ports to the RsFIFO 43 or register 30. The Examiner did not correspond the signaling from the RsFIFO 43 to the control logic as Applicants' request. Rather, the Examiner said in his previous Office action that control logic 34 is for processing data. The request in Allison is taught in Figure 9 and demonstrated in Figure 1. In response to a request (the signal S which initiates the transfer shown in Figure 9), data is transferred from one of the ports (see ports 1-n in Figure 1) to RxFIFO for the control logic to process.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



DAVID Y. ENG
PRIMARY EXAMINER